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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,246	03/27/2001	Naoaki Horiuchi	041514-5103	8058

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/817,246

Applicant(s)

HORIUCHI ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 August 2006 has been entered.

### ***Claim Objections***

2. Claims 1 and 12 are objected to because of the following informalities:

In claim 1, lines 10-12 , it not clear whether “ performing device “ lines 9-10 (from said performing device) is the same or different to “performing device” (to said performing device) line 10 .

In claim 12, lines 11-13 , it not clear whether “ performing device “ lines 11-12 (from said performing device) is the same or different to “performing device” (to said performing device) line 13 . Appropriate correction is required.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2621

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7-15 and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Omori (6,658,194).

Regarding claims 1 and 12, Omori discloses an AV information processing unit (Figs. 1-2) comprising:

an AV information accumulating device for accumulating AV (Audio Visual) information, which include any one of audio information, video information and data information associated with at least any one of the audio information and the video information (columns 3, lines 1-30, column 4, lines 28-50)

plural performing devices for performing partial information processing (video or audio effect, dissolving, wiping, adding, mixing which is a part of information processing required to be performed from the outside, by using said accumulated AV information and performing each of said partial information processes, which are different each other, separately (Figs. 6-8); and

a shifting device for shifting at least a portion of utility information (in or out points, time codes or editing list information) from said performing device, which has performed one partial information processing, to said performing device for performing other partial information processing, so that at least a portion of the utility information used to perform said one partial information processing can be used to perform said

Art Unit: 2621

other partial information processing since each partial performances uses in, out point, time codes or the editing list for processing video or audio (columns 3, column 4, lines 1-10, column 9 lines 10-55) .

Omori further teaches information processing includes one of recording process or editorial process (Figs. 5, column 14) and utility information includes one of name , origin or destination (name , source , video or audio) (column 7, Figs. 4 and 4).

Further for claims 12 , Omori teaches a medium stored with a program to cause a computer functions since the apparatus of Omori controller and executed by a computer (column 6, line 55 to column 7, line 20).

Regarding claims 2 and 13, Omori further teaches the AV information processing unit according to claim 1, wherein said each performing device performs said associated partial information processing, respectively, in accordance with a processing procedure set in advance since dissolving, cutting and adding are controlled by computer (Figs. 2,6-8, column 6, line 55 to column 7 line 20) .

Regarding claims 3 and 14, Omori further teaches the information processing unit, further comprising an outputting device for outputting an performing result from said entire information processing, which is obtained by performing said each partial information processing by said each performing device to an exterior by using at least any one of a voice and an image (Figs. 6-8, column 8, column 9, lines 1-10).

Regarding claims 4 and 15, Omori further teaches the information processing unit further comprising an outputting device for outputting an performing result from said entire information processing, which is obtained by performing said each partial

Art Unit: 2621

information processing by said each performing device to an exterior by using at least any one of a voice and an image (Fig. 6-8, column 8, column 9, lines 1-10).

Regarding claims 7 and 18, Omori further teaches the AV information processing unit, further comprising an obtaining device for obtaining said AV information from the exterior 15 and accumulating it in said AV information accumulating device; wherein said each performing device performs said associated partial information processing by using said AV information (column 7, lines 60-67, column 8).

Regarding claims 8 and 19, Omori teaches the AV information processing unit, further comprising an obtaining device for obtaining said AV information from the exterior 15 and accumulating it in said AV information accumulating device; wherein said each performing device performs said associated partial information processing by using said AV information (column 7, lines 60-67column 8).

Regarding claims 9 and 20, Omori further teaches the AV information processing unit further comprising an obtaining device for obtaining said AV information from the exterior 15 and accumulating it in said AV information accumulating device (column 8) ; wherein said each performing device performs said associated partial information processing by using said AV information.

Regarding claims 11 and 21 , Omori further teaches the AV information processing unit further comprising an obtaining device for obtaining said AV information from the exterior (15) and accumulating it in said AV information accumulating device; wherein said each performing device performs said associated partial information processing by using said AV information (column 8).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5,6, 10,16,17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omori in view of Best.

Regarding claims 5,6,16 and 17, Omori fails to teach a receiving device for receiving said information processing required from the exterior by the voice as recited in claims 5, 6, 16 and 17.

Best discloses an apparatus having a control means for storing predetermined instructions to generate commands in response to the voice of user or viewer (column 8).

It would have been obvious to one of ordinary skill in the art to modify Omori with Best by providing the apparatus of Omori with a control means that stored predetermined instruction for generating editing commands in response to the voice of a user or viewer thereby enhancing the capacity of the apparatus of Omori to provide more convenience to the user in operating the apparatus .

Regarding claims 10 and 21 , Omori further teaches the AV information processing unit according to claim 5 further comprising an obtaining device for obtaining said AV information from the exterior (15) and accumulating it in said AV information accumulating device; wherein said each performing device performs said associated partial information processing by using said AV information (column 7, lines 55-67, column 8).

### ***Response to Arguments***

7. Applicant's arguments filed 18 January 2006 have been fully considered but they are not persuasive.

In Remark, applicant argues that " the disclosure of the instant application differs significantly from the disclosure of Omori. In embodiments of the disclosure of the instant application, it is only necessary to conduct a process (scenario) of acquiring information pieces initially. This process (scenario) of acquiring information pieces



Art Unit: 2621

includes, for example, the name of the contents, the recording source, a destination of recording, and a recording mode. Once this information is acquired initially, it does not need to be subsequently acquired for future processing of partial information.

In such subsequent processing of partial information, the recording operation is realized by identifying, for example, a scenario of previously-acquired information pieces.

Because it is not necessary to re-transmit information pieces that can be commonly used among the scenarios, a partial information process of re-sending the common information pieces can be omitted. Accordingly, there is no need to provide all information pieces necessary for newly performing the same partial information processing from the outside. As a result, embodiments of the disclosure of the instant application greatly simplify the treating of the AV information processing unit which significantly results in making the information processing more user-friendly and efficient. See, for example, page 36, line 20 - page 37, line 3 of the instant application's specification."

In response to the applicant argument. It is noted that applicant argument does not reflect the claims since the applicant argument has not been recited in the claims.

Applicant argues that "From the characterizations of Omori asserted in the Office Action, it appears that the USPTO Examiner misunderstands the meaning of the partial information" processing, as disclosed in the instant application." In response, it is noted that what is being meaning by "partial information " that is different from the teaching of Omori has not been clarified and recited in the claims .

Art Unit: 2621

Applicant argues that Omori does not teach information processing includes at least one of recording processing and, editorial processing. In response, the examiner disagrees. It is noted that at column 14, Omori teaches information processing includes one of editorial processing and recording processing.

Applicant argue that Omori fails to teach that the utility information include at least one name, origin or destination. In response, the examiner disagrees. It is noted that at Figs. 4 and 5, column 7, Omori teaches the utility information includes one name and origin (title, video signal, audio signal or source, vide tape recorder) used for processing the information.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER